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September 9, 2002 SEP 9 PM 2 55

Gary Hotvedt, Esq.  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

TN REGULATORY AUTHORITY  
DOCKET ROOM

Re: *Petition for Interconnection by Cinergy Communications Company  
Against BellSouth Telecommunications, Inc.*  
Docket No. 01-00987

Dear Gary:


I am writing to you as Hearing Officer in the above-captioned arbitration proceeding.

As you know, the testimony has been filed in this case and it is ready to be heard. One of the issues raised in the arbitration concerns whether or not BellSouth will provide DSL service over a UNE-P loop. This same issue was recently raised in TRA Docket 97-00309 (BellSouth's 271 application). The settlement agreement reached by the parties in Docket 97-00309 did not resolve that issue but anticipated that the TRA would address the issue in a generic proceeding and that such a proceeding would be given "expedited treatment."

In light of this agreement, Cinergy and BellSouth have agreed that the issue of DSL over UNE-P should be addressed in a generic proceeding in which both parties will participate, rather than the arbitration. The parties further agree that the arbitration hearing should be postponed until after the generic proceeding.

Very truly yours,

By:

  
Henry Walker  
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414 Union St., Suite 1600  
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*Counsel for Cinergy Communications, Inc.*

c: Guy Hicks